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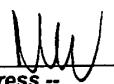
Alexandria, Virginia 22313-1450

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,827	09/12/2003	David B. South	89786	7862
24628	7590	12/28/2004	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,827	SOUTH, DAVID B. 	
	Examiner	Art Unit	
	Yvonne M. Horton	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 8,9,22 and 23 is/are allowed.
- 6) Claim(s) 1,2,4,6,7,10-20,24 and 25 is/are rejected.
- 7) Claim(s) 3 and 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: see the marked exhibit.

DETAILED ACTION

Claim Objections

Claims 1 and 7 are objected to because of the following informalities: In reference to claim 1, line 7, the second occurrence of "a" should be --an--, and in line 9, "an" should be --the--. Regarding claim 7, it is not clear how the door of the structure can be "dome" shaped in claim 1, and "rectangular" shaped in claim 7. Appropriate correction and clarification is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2,4,6,7,10,12-19,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,155,967 to SOUTH et al. in view of US Patent #1,861,069 to SMITH. Regarding claims 1,14,24 and 25, SOUTH et al. discloses the use of a monolithic building (10) including a convex, dome shaped unitary outer peripheral wall formed from cement (18) and mesh (64) defining an interior chamber (IC) and having an access opening (column 4, lines 60-61 and column 7, line 19-25), see the marked attachment, enabling entry into and exit from the chamber (IC), and a rigid door (20a,20b) operatively associated with the building (10) and adapted for lateral movement between a first position closing said access opening and a second position enabling passage through the access opening, wherein the door (20a,20b) having a frame (22) also made from cement (18) and mesh (64), column 6, lines 27-33, defining a unitary closure wall, and the door (20a,20b) being supported on the building (10) so

as to enable lateral movement such that the door (20a,20b) "compliments" the dome shape peripheral wall when in its first position and is disposed adjacent a wall of the dome shaped building when in its second position. SOUTH et al. discloses the basic claimed structure except for explicitly detailing that his door is domed shaped. Although SOUTH et al. does not detail the use of a dome shaped door, he does; however, disclose in column 3, line 31-33 that his door may take any form. Hence, SMITH teaches the use of doors (7,8) having a convex dome shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the door of SOUTH et al. domed shape, as taught by SMITH, in order to improve the aesthetic appearance of the building. Regarding claims 2 and 15, the building (22) includes a floor (F) which appears to the ground, see the marked attachment, SOUTH et al. does not disclose the use of the lower margin of the door being operated by wheels. SMITH; however, teaches the use of the door (7,8) having a lower margin operatively associated with roller wheel means (9b,10b) for engaging the floor surface (F) in rolling contact therewith and at least partially supporting the door (7,8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of SOUTH et al. with the wheel means of SMITH in order to aid in opening the doors more quickly. In further regards to claims 14 and 21, the door (7,8) of SMITH is supported at an upper margin on a substantially horizontal guide track (17,18) for lateral movement between the first and second positions, the guide track (17,18) extending internally of said chamber (I) adjacent a wall of the building (22) so that the door (7,8) is disposed in closely spaced relation to said wall when in its

second position. Regarding claims 4,6,12 and 16, the interior chamber (IC) of SOUTH et al. is defined by an outwardly convexly curved peripheral wall having a substantially uniform transverse thickness. SOUTH et al.; however, does not disclose the use of a horizontal guide track. SMITH teaches that it is known in the art to include a substantially horizontal guide track (17,18) affixed to an inner surface of the wall adjacent the access opening (O), the door (7,8) having means (15,16) adjacent an upper marginal edge thereof for mutual cooperation with the track to enable lateral sliding movement of the door (7,8) between said first and second positions. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the doorway and door frame of SOUTH et al. with the horizontal guide track of SMITH et al. in order to provide an easier way of maneuvering the concrete doors of SOUTH et al. In reference to claim 17, the door (7,8) of SMITH includes guide rollers (9b,10b) adjacent the upper margin thereof for operative association with said guide track (17,18) so as to facilitate lateral movement of the door (7,8) along the track (17,18). Regarding claims 7,13 and 18, the access opening of SOUTH et al. does not appear to be rectangular; however, the access opening (O) of SMITH is generally rectangular (RO) when considered in front elevation, and the door (7,8) having a similar generally rectangular peripheral configuration and having an outer three-dimensional convex contour substantially similar to the outer convex curvature of the dome shaped building (22), page 2, lines 53-54, adjacent the access opening (O). Hence, it would have been obvious to one having ordinary skill in the art to form the door opening and door of SOUTH et al. rectangular shaped, as taught by SMITH, in

order to ensure an exact fit between the door and the opening into which the door will be secured. In reference to claims 10 and 19, the door (7,8) of SMITH includes a plurality of upstanding horizontally spaced frame members (UF), the upstanding frame members (UF) having outer convex surface profiles similar to a convex profile of the dome building (22) adjacent the access opening (O), the upstanding frame members (UF) having a generally rigid sheet (SH) affixed to outer convex surfaces so as to form a rigid unified door (7,8) having an outer convex surface.

Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent# 4,155,967 to SOUTH et al., as modified by US Patent #1,861,069 to SMITH, as applied to claims 1 and 14 above, and further in view of US Patent #3,736,707 to NEUFELD. SOUTH et al., as modified by SMITH, discloses the basic claimed monolithic dome except for the use of sealing members. NEUFELD teaches the use of sealing members (23,24). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of SOUTH et al., as modified by SMITH, with the sealing members of NEUFELD in order to prevent water from leaking therein and preventing water damage thereto.

Allowable Subject Matter

Claims 8,9,22 and 23 are allowed.

Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone

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Art Unit: 3635

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
Art Unit 3635
12/22/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

EXAMINER'S EXHIBIT

May 31, 1932.

W. H. SMITH

1,861,069

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Filed Oct. 15, 1929 3 Sheets-Sheet 1

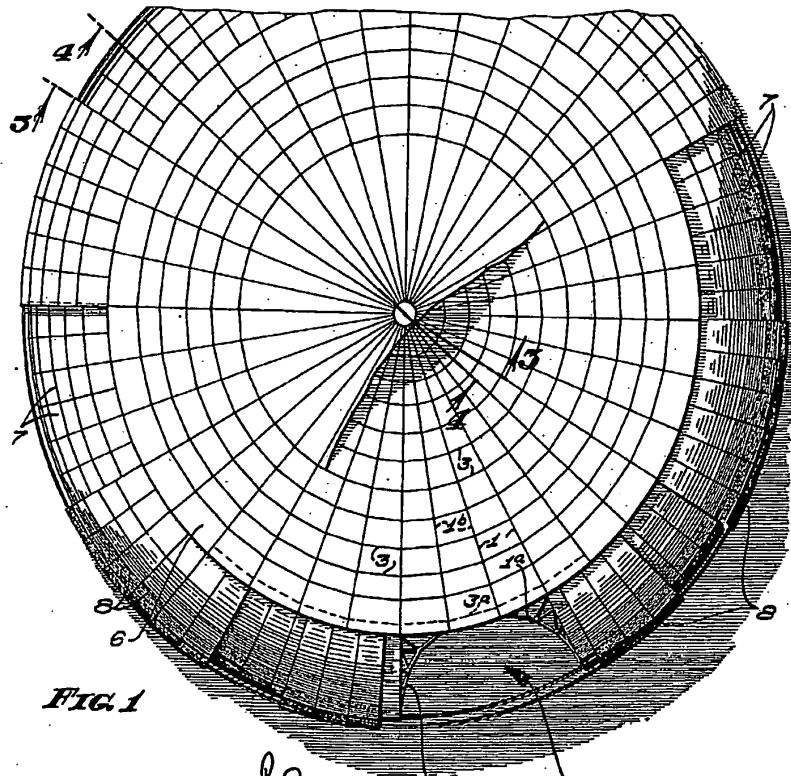


FIG. 1

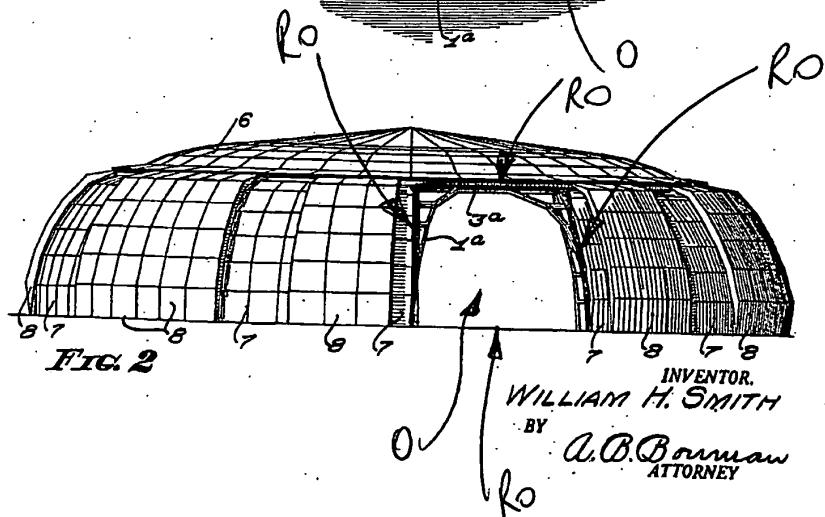


FIG. 2

EXAMINER'S EXHIBIT

May 31, 1932.

W. H. SMITH

1,861,069

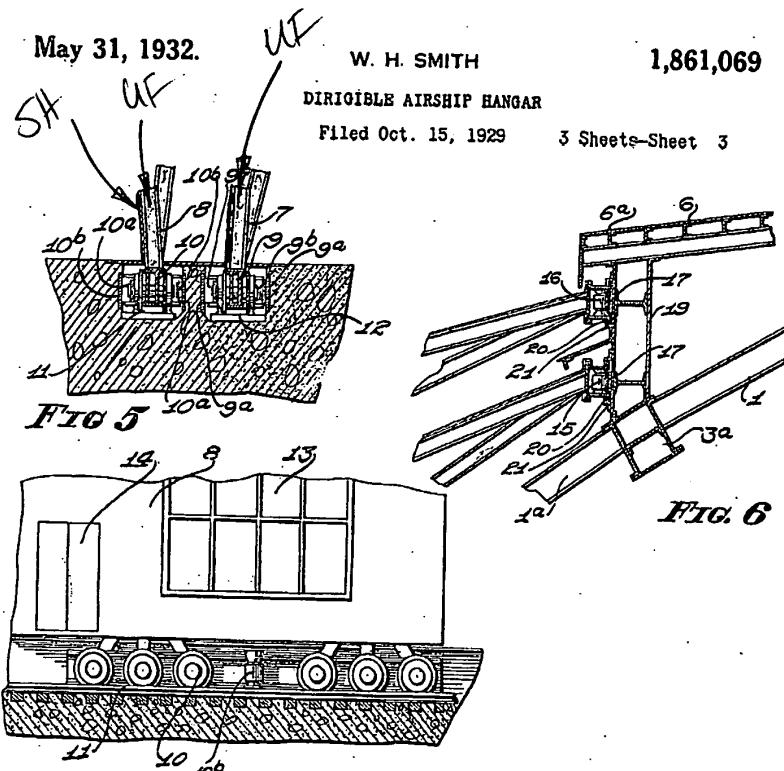


FIG. 7

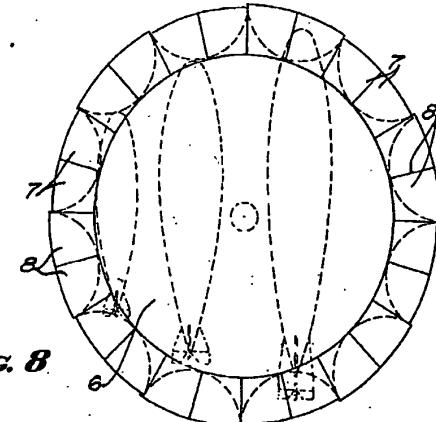


FIG. 8

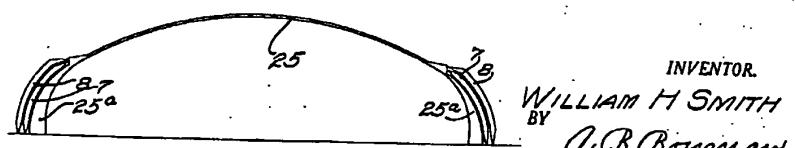


FIG. 9